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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,870	02/27/2004	Vadim Fux	55525501.2558	7232
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Jones Day (RIM) - 2N North Point 901 Lakeside Avenue Cleveland, OH 44114			EXAMINER PATIL, MANGLESH M	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 09/14/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/788,870

Applicant(s)

FUX ET AL.

Examiner

MANGLESH M. PATEL

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24 and 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24 and 26-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **FINAL** action is responsive to the response filed on 6/3/2009.
2. In the response claims 24 and 26-42 remain pending. Claims 24, 31, 34 and 40 are the independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24 and 26-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (U.S. 7,373,140, filed Oct 19, 2000) in view of Flowers, Jr. (U.S. 5,533,174, filed Oct 26, 1993).

Regarding Independent claim 24, A method performed by a server, comprising: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered; (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text; (iii) comparing the font identifiers in the text data with the fonts in the capabilities list of the designated device, to determine the font identifiers for which the designated device lacks font structure data; (iv) transferring the lacking font structure data and the text data to the designated device, wherein the device stores the received font structure data in the client device; and (v) updating the client profile with the stored font structure data.

Matsumoto discloses storing a client profile defined as UAPROF (User Agent Profile) a standard of the Wireless Application Protocol which contains the agent type and device capabilities further residing in a server called a profile repository (column 1, lines 30-60). Matsumoto discloses a server that stores font information used by a wireless client and provides an only necessary font to a wireless client. Thus he teaches storing a font capabilities list which is a list of fonts stored in a font server disclosed in fig 3 numeral 5 being sent to devices based on their capabilities as determined by the UAPROF. Although Matsumoto mentions the use of identifiers between the client and server, he doesn't explicitly teach the use of font identifiers. Flower describes receiving text data addressed to a device which include text

and font identifiers (see column 5, lines 5-15). Flowers discloses comparing the font identifiers in the text data with list of font capabilities in the FAF server to minimize traffic on the network using the abbreviated identification information for accessing fonts (see column 3, lines 25-45). The FAF server transfers the lacking font structure data and the text data to the device. In column 13, lines 5-10, Flowers discloses that the device stores the received font structure data in the client device. Flowers discloses in column 6, lines 1-5 that the font server responds to each request by sending the client only the requested information. Therefore it's obvious that the server refrains from transferring font structure data if the device already has the font data. Matsumoto also states in column 12, lines 25-35 that the font memories residing on the server keeps a font that has been used thereby refraining from sending font data the client already stores. Matsumoto states in column 7, lines 25-35 that the required font is stored in the wireless client. Matsumoto already discloses updating profile information residing in the user information database of fig 1 numeral 33. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Dependent claim 26, with dependency of claim 24, Matsumoto discloses the server receives the text data along with attendant font structure data required to render the text data, and, in step iv, the server operatively refrains from transferring the attendant font structure data to the device in response to determining in the comparing step that the device already has the attendant font structure data (column 12, lines 25-35, including the explanation provided in the Independent claim).

Regarding Dependent claim 27, with dependency of claim 24, Matsumoto discloses requesting and receiving the lacking font structure data from a third part server (see fig 3 wherein the gateway server stores font data in a font memory 21 and further communicates with a third part font server to obtain lacking font structure data, including the explanation provided in the Independent claim).

Regarding Dependent claim 28, with dependency of claim 24, Matsumoto fails to teach font identifiers. Flower discloses determining whether any of the font identifiers in the received text data that are not found in the font capabilities list of the designated device have equivalent counterparts that are found in the font capabilities list of the designated device (Flowers discloses in column 6, lines 1-5 that the font server responds to each request by sending the

client only the requested information. Therefore it's obvious that the server refrains from transferring font structure data if the device already has the font data, including the explanation provided in the Independent claim). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Dependent claims 29, 32, 38 and 41, with dependency of claim 24, Matsumoto discloses further comprising a step, performed before step (i), of receiving a list of client font capabilities from each of the client devices (see column 1, lines 30-60, wherein the profile already keeps track of the device capabilities including font information, including the explanation provided in the Independent claim).

Regarding Dependent claims 30, 33, 39 and 42, Matsumoto discloses wherein the client devices are wireless mobile communication devices (see fig 3 numeral 1).

Regarding Independent claim 31, A method comprising the following steps performed by a server in the following order: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered; (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font structure data for rendering the text; (iii) determining, from the stored capabilities list for the designated device, whether the device already has the font structure data; and (iv) transferring the text to the device, and operatively refraining from transferring the font structure data to the device in response to determining, in step iii, that the device already has the font structure data.

Matsumoto discloses storing a client profile defined as UAPROF (User Agent Profile) a standard of the Wireless Application Protocol which contains the agent type and device capabilities further residing in a server called a profile repository (column 1, lines 30-60). Matsumoto discloses a server that stores font information used by a wireless client and provides an only necessary font to a wireless client. Thus he teaches storing a font capabilities list which is a list of fonts stored in a font server disclosed in fig 3 numeral 5 being sent to devices based on their capabilities as determined by the UAPROF. Although Matsumoto mentions the use of identifiers between the client and server, he doesn't

explicitly teach the use of font identifiers. Flower describes receiving text data addressed to a device which include text and font identifiers (see column 5, lines 5-15). Flowers discloses comparing the font identifiers in the text data with list of font capabilities in the FAF server to minimize traffic on the network using the abbreviated identification information for accessing fonts (see column 3, lines 25-45). The FAF server transfers the lacking font structure data and the text data to the device. In column 13, lines 5-10, Flowers discloses that the device stores the received font structure data in the client device. Flowers discloses in column 6, lines 1-5 that the font server responds to each request by sending the client only the requested information. Therefore it's obvious that the server refrains from transferring font structure data if the device already has the font data. Matsumoto also states in column 12, lines 25-35 that the font memories residing on the server keeps a font that has been used thereby refraining from sending font data the client already stores. Matsumoto states in column 7, lines 25-35 that the required font is stored in the wireless client. Matsumoto already discloses updating profile information residing in the user information database of fig 1 numeral 33. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Independent claim 34, A method comprising the following steps performed by a server in the following order: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered; (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text; (iii) determining which of the text data's font identifiers is not found in the designated device's font capabilities list; (iv) determining whether another font identifier exists that is the same as said not found font identifier; and (v) transferring the text data to the designated device.

Matsumoto discloses storing a client profile defined as UAPROF (User Agent Profile) a standard of the Wireless Application Protocol which contains the agent type and device capabilities further residing in a server called a profile repository (column 1, lines 30-60). Matsumoto discloses a server that stores font information used by a wireless client and provides an only necessary font to a wireless client. Thus he teaches storing a font capabilities list which is a list of fonts stored in a font server disclosed in fig 3 numeral 5 being sent to devices based on their capabilities as determined

by the UAPROF. Although Matsumoto mentions the use of identifiers between the client and server, he doesn't explicitly teach the use of font identifiers. Flower describes receiving text data addressed to a device which include text and font identifiers (see column 5, lines 5-15). Flowers discloses comparing the font identifiers in the text data with list of font capabilities in the FAF server to minimize traffic on the network using the abbreviated identification information for accessing fonts (see column 3, lines 25-45). The FAF server transfers the lacking font structure data and the text data to the device. In column 13, lines 5-10, Flowers discloses that the device stores the received font structure data in the client device. Flowers discloses in column 6, lines 1-5 that the font server responds to each request by sending the client only the requested information. Therefore it's obvious that the server refrains from transferring font structure data if the device already has the font data. Matsumoto also states in column 12, lines 25-35 that the font memories residing on the server keeps a font that has been used thereby refraining from sending font data the client already stores. Matsumoto states in column 7, lines 25-35 that the required font is stored in the wireless client. Matsumoto already discloses updating profile information residing in the user information database of fig 1 numeral 33. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Dependent claim 35, with dependency of claim 34, Matsumoto fails to disclose font identifiers. Flower discloses wherein step iv includes determining whether another font identifier exists in the designated font capabilities list that is the same as said not found font identifier (see abstract, column 2, lines 50-67 & column 3, lines 1-50 & column 4, lines 50-67 & column 5, lines 1-25 & fig 2, including the explanation provided in the Independent claim). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Dependent claim 36, with dependency of claim 34, Matsumoto fails to disclose font identifiers. Flower discloses wherein step iv includes determining whether the server has font structure data for said another font identifier, and step V includes transferring said font structure data for said another font identifier to the designated device (see abstract, column 2, lines 50-67 & column 3, lines 1-50 & column 4, lines 50-67 & column 5, lines 1-25 & fig 2,

including the explanation provided in the Independent claim). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Dependent claim 37, with dependency of claim 34, Matsumoto fails to disclose font identifiers. Flower discloses wherein step iv includes determining whether another server has font structure data for said another font identifier, and obtaining said font structure data from said other server, and step v includes transferring said font structure data for said another font identifier to the designated device (see abstract, column 2, lines 50-67 & column3, lines 1-50 & column 4, lines 50-67 & column 5, lines 1-25 & fig 2, including the explanation provided in the Independent claim). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

Regarding Independent claim 40, A method comprising the following steps performed by a server in the following order: (i) storing a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered; (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text; (iii) determining which of the text data's font identifiers is not found in the designated device's font capabilities list; (iv) requesting and receiving font structure data for said not found font identifier from another server; and (v) transferring both the text data and the font structure data for said not found font identifier to the designated device.

Matsumoto discloses storing a client profile defined as UAPROF (User Agent Profile) a standard of the Wireless Application Protocol which contains the agent type and device capabilities further residing in a server called a profile repository (column 1, lines 30-60). Matsumoto discloses a server that stores font information used by a wireless client and provides an only necessary font to a wireless client. Thus he teaches storing a font capabilities list which is a list of fonts stored in a font server disclosed in fig 3 numeral 5 being sent to devices based on their capabilities as determined by the UAPROF. Although Matsumoto mentions the use of identifiers between the client and server, he doesn't

explicitly teach the use of font identifiers. Flower describes receiving text data addressed to a device which include text and font identifiers (see column 5, lines 5-15). Flowers discloses comparing the font identifiers in the text data with list of font capabilities in the FAF server to minimize traffic on the network using the abbreviated identification information for accessing fonts (see column 3, lines 25-45). The FAF server transfers the lacking font structure data and the text data to the device. In column 13, lines 5-10, Flowers discloses that the device stores the received font structure data in the client device. Flowers discloses in column 6, lines 1-5 that the font server responds to each request by sending the client only the requested information. Therefore it's obvious that the server refrains from transferring font structure data if the device already has the font data. Matsumoto also states in column 12, lines 25-35 that the font memories residing on the server keeps a font that has been used thereby refraining from sending font data the client already stores. Matsumoto states in column 7, lines 25-35 that the required font is stored in the wireless client. Matsumoto already discloses updating profile information residing in the user information database of fig 1 numeral 33. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Matsumoto to include the use of font identifiers. The motivation for doing so would have been to minimize network traffic thereby improving connection speeds by using abbreviated font specific identifier information to access the font server disclosed in fig 3 of Matsumoto.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

5. Applicant's arguments filed 6/3/2009 have been fully considered but are not persuasive.
- Applicant Argues: The FAF server however is solely a font server, which is used only to transfer font information to a requester. The FAF server does not receive or transfer text data addressed to a device, as recited in claim 24. Thus neither the client nor the FAF server described in Flowers may fulfill the functions of the server recited in claim 24, (pg 9, paragraph 2)

The Examiner Respectfully Disagrees:

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

If a user makes a request to obtain data from the internet on a wireless device it communicates with a server, this is how web pages are obtained onto the wireless device which is processed from the server to the device thus "receiving or transferring text data addressed to a device" as recited in claim 24. Furthermore Matsumoto shows both a font server and an information source server working together to send the lacking front structure and displaying the requested information, which a skilled artisan would realize is a web page thus including text, images etc.

Applicant Argues: The requested information is the lacking font information. Sending only that information to the requestor in no way discloses determining whether an existing font identifier is the same as a font identifier for which font structure data is lacking, as recited in the claim, (pg 10, paragraph 2)

The Examiner Respectfully Disagrees: Flowers doesn't randomly send lacking font structure data to the wireless device. A determination is made as to which structure is lacking as determined by analyzing the font identifier of the device, only then is the FAF server able to send the lacking front structure to the wireless device, thereby being able to display the requested information in the appropriate font.

It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Shekler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
September 9, 2009

/Manglesh M Patel/
Manglesh Patel
Examiner, Art Unit 2178

/CESAR B PAULA/

Primary Examiner, Art Unit 2178